

UNITED STATES DISTRICT COURT

for the

WESTERN District of SAN ANTONIO, TEXAS.

Jason-of the family Contreras,
 Plaintiff and Beneficial Equitable
 Title Holder FOR. JASON CONTRERAS
 Debtor (all rights reserved)

Division

SA24CA1227

XR

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
 If the names of all the plaintiffs cannot fit in the space above,
 please write "see attached" in the space and attach an additional
 page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

CAPITAL ONE BANK (USA), NA

Defendant(s)

(Write the full name of each defendant who is being sued. If the
 names of all the defendants cannot fit in the space above, please
 write "see attached" in the space and attach an additional page
 with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jason-of the Family Contreras

Street Address

JASON CONTRERAS (DEBTOR)

City and County

5342 LA CRESCENTA ST.

State and Zip Code

SAN ANTONIO TEXAS Republic

Telephone Number

[Zip Exempt] [78228-9988]

E-mail Address

(210)- 816-0509

jayc21000@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

CAPITAL ONE BANK (USA) NA
(Corp. Service Company)

300 DEUSCHUTES WAY

Tumwater Thurston County

WASHINGTON 98501

1800 927 9800

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)**

a.

If the plaintiff is an individual

The plaintiff, (name)

State of (name)

Jason of the Family Contreras
Living Man + Beneficial Equitable Title
Holder
American Citizen

, is a citizen of the

b.

If the plaintiff is a corporation

The plaintiff, (name)

under the laws of the State of (name)

and has its principal place of business in the State of (name)

ON
behalf of name styled in
ALL CAPS JASON CONTRERAS
Texas Republic
Texas Republic

is incorporated

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a.

If the defendant is an individual

The defendant, (name)

the State of (name)

(foreign nation)

, is a citizen of

. Or is a citizen of

b. If the defendant is a corporation

The defendant, (name) CAPITAL ONE BANK ^{(USA) MD.}, is incorporated under the laws of the State of (name) VERGINIA Mclean,, and has its principal place of business in the State of (name) 1680 Capital one drive.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) CAPITAL ONE TOWER Tysons, VA.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Total \$ 138,550 Denial of our finance of 74,050
500 dollars an hour preparation of legal time
7 disputes 1000 each
50,000 compensatory damages

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SEE ATTACHMENT A
SEE EXHIBIT 1, 2, 3
EVIDENCE

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

SEE ATTACHMENT A

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-14-2024

Signature of Plaintiff

Printed Name of Plaintiff

Autograph X Carter
Jaron - of the family Contraw

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

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****Notice of Claim in Equity****

****To:****

****Capital One Bank (USA), N.A.****

****Service of Process Address:****

1680 Capital One Drive,

McLean, VA 22102-3491

Certified mail # 9589 0710 52701954 5374 27 JC02 on 10/18/2024 u.s.p.s

****From:****

JASON CONTRERAS, Legal Person

Jason of the family Contreras, Living Man and Bene. Equit. Title Holder

5342 La Cresenta San Antonio, Texas Republic. [78228-9988]

****Date:** 10/18/2024**

****RE: Reporting of Inaccurate Information on Consumer Report Since June of 2024****

****Notice to Respond: 14 Days****

9th notice to remove someone else's negative credit card acct with different social security and d.o.b. off JASON CONTRERAS credit profile

I, JASON CONTRERAS, the legal person, and Jason ; Contreras, a living man and beneficial equitable title holder. I hereby bring a claim in equity under the Federal Rules of Civil Procedure as applicable to the Western District of Texas, San Antonio, Federal Court. I assert my status as a living man who has reached the age of majority and is no longer a ward of the state, combatant, or belligerent. I stand as a friend to the courts and the United States, invoking my rights under the maxim of law, God's law, both domestic and international, which are protected and divine in nature.

This notice serves to formally assert my claim against Capital One Bank (usa) N.A. for negligent reporting of inaccurate credit information that has caused JASON CONTRERAS harm. Despite multiple notifications and disputes, Capital One has failed to correct the erroneous reporting of a negative credit account that does not belong to JASON CONTRERAS. This action violates JASON CONTRERAS rights under the ****Fair Credit Reporting Act (FCRA)**** and constitutes negligence under both statutory and common law.

**Claim in Equity: Reporting of Inaccurate Information**

CAPITAL ONE BANK has negligently reported a negative credit account on the legal person JASON CONTRERAS' consumer report that is associated with another individual with a similar

name but a different Social Security Number and date of birth. This negligent misreporting has caused significant harm to JASON CONTRERAS' reputation, financial standing, and emotional well-being. Then the account was sold to a debt buyer Portfolio Recovery Associates II.

I have made **seven attempts** via phone to resolve this issue directly with CAPITAL ONE BANK but was directed to dispute the matter with the credit reporting agencies. After filing a formal dispute with the agencies, CAPITAL ONE BANK**erroneously verified the inaccurate information** as "accurate," despite clear discrepancies in the identifiers. Capital One's failure to correct the report demonstrates a breach of the duty of care owed to me, as well as a violation of its obligations under **15 U.S.C. § 1681s-2(b)** of the **Fair Credit Reporting Act**.

Legal Basis and Case Law

1. Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681s-2(b):

Capital One is obligated to report accurate information to credit reporting agencies and to investigate and correct errors upon notification. The Supreme Court case of **Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016)** highlights the importance of accuracy in credit reporting, stating that inaccurate information can lead to tangible harm.

Further, in **Johnson v. MBNA America Bank, NA, 357 F.3d 426 (4th Cir. 2004)** The court found that furnishers of information, like Capital One, must conduct a reasonable investigation when they are notified of a dispute. By failing to correct the inaccurate reporting after my dispute, Capital One has failed to meet its obligations under the law.

2. Negligence:

Capital One's failure to conduct a proper investigation into the dispute and rectify the inaccurate information constitutes **negligence**. In the case of **Philbin v. TransUnion Corp., 101 F.3d 957 (3rd Cir. 1996)**, the court held that the negligent failure to correct false information could result in liability for both furnishers and credit reporting agencies. By allowing false information to remain on my credit report, Capital One has acted negligently, causing harm to my creditworthiness.

3. Doctrine of Good Faith:

Under the **doctrine of good faith** Capital One has a duty to ensure fairness and accuracy in its dealings. By failing to investigate and correct the erroneous credit reporting in good faith, Capital One has breached this doctrine, which is a fundamental principle under both statutory and common law.

4. Equitable Maxim of Law:

I invoke my rights under the **maxim of law**, which dictates that equity requires fairness and truthfulness. As supported by **Tunkl v. Regents of the University of California, 60 Cal.2d 92 (1963)**, a contract or obligation that violates public policy or is unconscionable is unenforceable in equity. The continued reporting of inaccurate information in my case violates both public policy and fairness.

**Claim in Equity and Remedy Sought**

I demand that Capital One immediately correct the inaccurate information on my consumer report and provide me with a sworn affidavit, under penalty of perjury, verifying that the correction has been made. Capital One's failure to act in good faith and resolve this issue in a reasonable and timely manner violates both legal and equitable principles.

****Remedies Sought:****

- Immediate correction and removal of the inaccurate information from my consumer report.
- An affidavit sworn under penalty of perjury, confirming the completion of this correction.
- Compensatory damages in the amount of ****\$50,000**** for harm to my credit, emotional distress, and reputational damage.
- Full reimbursement of all legal fees, including court costs and 500 dollars an hour for preparing this claim totaling 15 hours, damage to credit profile 1000 per dispute that was ignored totaling 7 phone call disputes and 2 credit report disputes that CAPITAL ONE verified accurate. \$9000.00, plus fees and court costs, plus denial of extension of credit for mustang of \$ 74,050.00 because of negative information Capital One failed to correct. Totaling \$ 140,550.00

**Response Requirement and Legal Consequences**

Capital One is required to respond to this notice within ****14 days**** from the date of this notice. The response must include a sworn affidavit, under penalty of perjury, verifying that all corrective actions have been taken. Failure to respond within the allotted time will be considered tacit acceptance of liability for all claims and damages stated herein, and further legal action will be pursued in accordance with the ****Federal Rules of Civil Procedure**** applicable in the Western District of Texas, San Antonio.

I reserve all rights to seek further legal remedies, including claims under the ****Fair Credit Reporting Act****, common law negligence, and any other applicable federal or state laws, should Capital One fail to correct and compensate this error in a timely manner.

****By:****

Jason; Contreras, Bene. Equitable Title Holder
on behalf of JASON CONTRERAS, Legal Person



VG-76-2024-20240170496

File Information

FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK

Document Number: 20240170496
Recorded Date: September 17, 2024
Recorded Time: 2:50 PM
Total Pages: 4
Total Fees: \$33.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

**** Do Not Remove ****

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:
9/17/2024 2:50 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk

NOTICE AND AFFIDAVIT OF TAX-EXEMPT FOREIGN STATUS

JASON CONTRERAS ESTATE & TRUST

SCANNED

For the purposes of this Affidavit, the terms "United States" and "U.S." mean only the Federal Legislative Democracy of the District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and any other Territory within the "United States," which entity has its origin and jurisdiction from Article I, Section 8, Clause 17-18 and Article IV, Section 3, Clause 2 of the Constitution for the United States of America. The terms "United States" and "U.S." are NOT to be construed to mean or include the united 50 states of America. United States Code (USC) and Code of Federal Regulations (CFR) for illustrative purposes only.

1. Neither born nor naturalized in the "United States" nor "subject to its jurisdiction." I am NOT and never have been, as described in 26 CFR 1.1-1(c) and the 14th Amendment, a "U.S. citizen." Therefore I AM an "alien" with respect to the "United States" and I am not consenting to the United States or U.S. trust.
2. I am NOT and never have been, as described in 26 USC 865(g)(1)(A), a "resident of the U.S."
3. I have NEVER made, with ANY "knowingly intelligent acts" (Brady v. U.S., 397 U.S. 742, 748), ANY voluntary election under 26 USC 6013 or 26 CFR 1.871-4 to be treated as a "U.S. resident alien" for any purpose. Further, I have utterly NO intention of making such election in the future.
4. I AM, as described in 26 USC 865(g)(1)(B), a "nonresident alien" of the "United States."
5. I AM, as described in 42 USC 2000e-16, an "American Indian", "White" and living beneficiary of the **JASON CONTRERAS Estate & Trust.**
6. I am NOT and never have been, as described in 26 USC 7701(a)(30), a "U.S. person."
7. I am NOT and never have been, as described in 26 USC 7701(a)(14), a "taxpayer."
8. I do NOT have and never had, as described in 26 USC 911(d)(3), a "tax home within the U.S."
9. I am NOT a 26 USC 7203 "person required."
10. I AM a "non-taxpayer" outside both general and tangential venue and jurisdiction of Title 26, United States Code.
11. I AM therefore, as described in 26 CFR 1.871-2 and 26 USC 7701(b), a "nonresident alien" with respect to the "United States" and am outside the general venue and jurisdiction of the "U.S."
12. I am NOT and never have been, as described in 26 USC 3401, an "officer," or an "employee," or an "elected official" (of the "United States," or of a "State" or of any political subdivision thereof, nor of the District of Columbia, nor of a "domestic" corporation) earning "wages" from an "employer."
13. I am NOT and never have been, as described in 31 USC 3713, a "fiduciary," or, as described in 26 USC 6901, a "transferee" or a "transferee of a transferee."
14. I am NOT and never have been, as described in 26 USC Subtitle B, a "donor" or a "contributor," and as a "nonresident alien" excluded under 26 USC 2501(a)(2), I am EXEMPT from any gift tax under 26 USC Subtitle B.
15. As a "nonresident alien" NOT engaged in or effectively connected with any "trade or business within the United States" I am NOT REQUIRED by law to obtain a "U.S." Taxpayer Identification Number or a Social Security Number because of my exemption under 26 CFR 301.6109-1(g). Further, I am NOT REQUIRED by law to make, as described in 26 CFR 1.6015(a)-1, a "declaration" because I am exempt under 26 CFR 1.6015(i)-1 and fundamental law.
16. As a "nonresident alien," I have NO "self-employment income," as described in 26 CFR 1.1402(9b)-3(d).
17. As a "nonresident alien," I derived NO "gross income... from sources within the United States," --either "effectively connected" or "not effectively connected with the conduct of a trade or business in the United States," as described in 26 USC 872(a).
18. As a "nonresident alien," my private-sector remuneration is "from sources without the United States" as described in 26 CFR 1.1441-3(a), does NOT constitute 26 USC 3401 "wages," and is therefore NOT "subject to" mandatory withholding under 26 USC 3402(a), 3101(a), or 26 CFR 1.1441-1, because of its EXEMPTION under 26 USC 3401(a)(6) and fundamental law.
19. As a "nonresident alien," I did NEVER intentionally make, with ANY "knowingly intelligent acts," ANY voluntary withholding "agreement" as described in 26 USC 3402(p).
20. As a "nonresident alien," my income is NOT included in "gross income" under Subtitle A and is EXEMPT from withholding according to 26 CFR 1.441-3(a) and 26 CFR 31.3401(a)(6)-1(b).
21. As a "nonresident alien," with NO income "from sources within the United States," my private-sector, non-"U.S." income is FREE from all federal tax under fundamental law (see Treasury Decisions 3146 and 3640, and United States v. Morris, 125 F. Rept. 322, 331).
22. As a "nonresident alien," my estate and/or trust is, as described in 26 USC 7701(a)(31), a TAX-EXEMPT "foreign estate or trust."

23. As a "natural born Citizen" (II:1:5 of the Constitution), American Citizen and "nonresident alien" with respect to the federal "United State," I NEVER voluntarily, intentionally waive, with ANY "knowingly intelligent acts" ANY of my unalienable rights, and have utterly NO intention of doing so in the future. Any prima facie evidence or presumption to the contrary is hereby rebutted. Any past signatures on IRS and SSA forms, statements, etc., were in error and involuntarily made under threat, duress, and coercion. I hereby revoke, cancel and render void, Nunc Pro Tunc Practerea Practerea, both currently and retroactively to the time of signing, any and all such signatures. I reserve my Common Law right NOT to be compelled to perform under any agreement that I have not entered into knowingly, voluntarily, and intentionally.

Pursuant to 28 USC 1746(1) and executed "without the United States" I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge. Subscribed, sealed and affirmed to this 20 day of May, 2024 nunc pro tunc practerea practerea. I hereby affix my own signature to all of the above affirmations with explicit reservation of ALL my unalienable rights and without prejudice to ANY of those rights (U.C.C. 1-308); All Authority; Accepted for Value; Peace and Love; Not for Hire; Not at War.

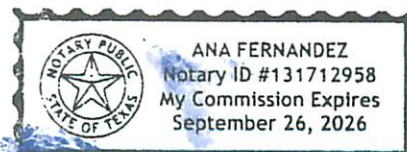
BY: [Signature] Stamp/Seal
 Executor, Authorized Representative, Without Recourse
JASON CONTRERAS

LEGAL NOTICE. The Certifying Notary is an independent contractor and a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. Tampering with a witness, victim, or an informant. The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America. Using a notary on this document does not constitute any adhesion, nor does it alter my status in any manner. The notary is for the purpose of providing verification and identification only but is not a party to this claim and not for entrance into any foreign jurisdiction, or benefit thereof.

State Texas)
)
 County of Brewer)

On this 20th day of May, 2024, before me, the undersigned Notary Public, JASON CONTRERAS the ~~woman~~ personally appeared proved to me through satisfactory evidence of identification, to be the person whose name is signed on the document and acknowledge to me that she signed it voluntarily for its stated purpose.

[Signature] (SEAL)
 Notary Public



U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	Jason - Of the family Contreras on behalf of JASON CONTRERAS (PRINCIPLE)		COURT CASE NUMBER
DEFENDANT	CAPITAL ONE BANK (U.S.A.) N.A.		TYPE OF PROCESS Service of Process
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	1680 CAPITAL ONE DRIVE Suite 400 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) (Legal Address) McLean, VA 22102-3491		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW			Number of process to be served with this Form 285
Registered office 2711 Centerville Rd Suite 400 Wilmington, DE 19808			Number of parties to be served in this case
			Check for service on U.S.A.
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):			

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

210-814-0509

DATE

10/18/2024

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)				Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)				Signature of U.S. Marshal or Deputy	

Costs shown on [attached USMS Cost Sheet](#) >>

REMARKS